

---

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

---

LEYVA, v. ROBBINS,	Plaintiff, Defendant.	ORDER GRANTING [89] MOTION TO SUBSTITUTE PARTY  Case No. 2:18-cv-00121-JNP-CMR  District Judge Jill N. Parrish  Magistrate Judge Cecilia M. Romero
--------------------------	--------------------------	---

---

Before the court is Plaintiff's Motion to Substitute Plaintiff (Motion) (ECF 89). Defendant failed to file a response to the Motion, and the time for doing so has passed. *See* DUCivR 7-1(a)(4)(D)(ii) ("A response to a motion must be filed within 14 days after service of the motion."). Defendant's failure to respond is grounds for granting the Motion. *See* DUCivR 7-1(f) ("[F]ailure to respond timely to a motion may result in the court granting the motion without further notice.").

Since Plaintiff Heather Leyva's passing in May 2022, the personal representative of her estate has changed multiple times (ECF 89 at 3–5). Most recently, in December 2022, her estate assigned its interest in this case to her sons and heirs Anthony Leyva, Jaeden Strong, and Preston Shepherd (ECF 89 at 56). On this basis, Anthony Leyva, Jaeden Strong, and Preston Shepherd have filed the instant Motion requesting to be substituted into this action as party plaintiffs. Accordingly, pursuant to Federal Rule of Civil Procedure 25(a)(1), and based on Defendant's failure to timely respond, the court hereby GRANTS the Motion and ORDERS that Anthony Leyva, Jaeden Strong, and Preston Shepherd are substituted as Plaintiffs for deceased party Heather Leyva.

DATED this 31 May 2023.

Cecilia M. Romero

Magistrate Judge Cecilia M. Romero  
United States District Court for the District of Utah